



General Assembly

Amendment

February Session, 2008

LCO No. 6434

HB0581306434HDO

Offered by:

REP. MAZUREK, 80th Dist.

REP. BERGER, 73rd Dist.

REP. STONE, 9th Dist.

To: House Bill No. **5813**

File No. 322

Cal. No. 189

"AN ACT CONCERNING UTILITY ESCHEATS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2008*) (a) On or before sixty days
4 prior to October 1, 2008, and on or before sixty days prior to October
5 first every five years thereafter, any community-based nonprofit
6 organization may petition the Department of Public Utility Control to
7 assume responsibility for community access within a defined service
8 area. Upon receipt of any such petition, the department shall conduct a
9 contested case proceeding to determine whether to assign such
10 responsibility to that community-based nonprofit organization, any
11 other nonprofit organization or community access television company
12 based on the following criteria: (1) The recommendations of the
13 community antenna television advisory council and of the chief elected
14 officials of the municipalities in the service area, (2) a review of the

15 performance of the organization or company currently providing
16 community access programming, (3) the operation plan submitted by
17 an organization or a company for providing community access
18 programming, (4) an organization's or company's experience in
19 community access programming, (5) an organization's or company's
20 proposed budget, including expenses for salaries, consultants,
21 attorneys and other professionals, (6) the quality and quantity of the
22 programming to be created, promoted or facilitated by the
23 organization or the company, (7) a review of the organization's or
24 company's procedures to ensure compliance with federal and state
25 law, including the regulations of state agencies, and (8) any other
26 criteria determined to be relevant by the department.

27 (b) On or before sixty days prior to April 1, 2009, and on or before
28 sixty days prior to April first of every five years thereafter, the
29 department may, on its own initiative, review and evaluate a
30 company's or organization's provision of community access
31 programming. The department shall conduct such review or
32 evaluation if the Consumer Counsel or any interested party petitions
33 the department for such a review during the period commencing
34 October 1, 2008, and ending April 1, 2009, and each corresponding
35 period every five years thereafter. Such review shall include
36 consideration of the factors set forth in subsection (a) of this section."